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SERVICE SOLUTIONS GROUP LLC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CINDY KING FEINSTEIN, Plaintiff, v. SERVICE SOLUTIONS GROUP LLC; BARKERS FOOD MACHINERY SERVICE; FRANK HOLDING AG; and DOES 1-25, Defendants.	Case No. 08CV1174 W (WMc) **DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE OF UNOPPOSED MOTION REGARDING DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(a), 12(b)(6); 12(e); CivLR 7.1.f.3.c]** Hearing Date: August 11, 2008 Time: (No Oral Argument Required under Local Rule 7.1(d)(1)) Judge: Hon. Thomas J. Whelan Complaint Filed: November 20, 2007

On July 10, 2008, Defendant Service Solutions Group, LLC timely filed and served its Motion to Dismiss Plaintiff's complaint under Federal Rules of Civil Procedure 8(a), 12(b)(6), and 12(e). Attached as Exhibit A is a true and correct copy of the proof of service of Defendant's Motion to Dismiss that is on file with this Court.

NOTICE IS HEREBY GIVEN that Plaintiff Cindy King Feinstein has not opposed Defendant's pending motion to dismiss Plaintiff's complaint within the time permitted by Southern District of California Local Rule 7.1.e.2. Accordingly, Plaintiff has consented to the granting of Defendant's motion. CivLR 7.1.f.3.c; Hon. Judge Whelan Chamber Rules. Because Plaintiff has consented to the dismissal of her complaint, Defendant offers this notice of unopposed motion and respectfully requests that this Court dismiss Plaintiff's complaint.

Dated: August 5, 2008

Respectfully submitted,

s/Justin A. Morello
STACEY E. JAMES
JUSTIN A. MORELLO
Attorneys for Defendant
Email: sjames@littler.com;
jmorello@littler.com

Firmwide:86117717.1 046687.1149

PROOF OF SERVICE BY MAIL

I am employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 501 W. Broadway, Suite 900, San Diego, California 92101.3577. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On August 5, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE OF UNOPPOSED MOTION REGARDING DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(a), 12(b)(6); 12(e); CivLR 7.1.f.3.c]

in a sealed envelope, postage fully paid, addressed as follows:

Mary Elizabeth Bullock 3955 Faircross Place, #73 San Diego, CA 92115 619.677.4066 phone 619.727.4907 fax	Attorney for Plaintiff

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 5, 2008, at San Diego, California.

[signature]

KILSHA A. CASTRO

EXHIBIT A

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PROOF OF SERVICE BY MAIL

I am employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 501 W. Broadway, Suite 900, San Diego, California 92101.3577. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On July 10, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

DEFENDANT SERVICE SOLUTIONS GROUP LLC'S NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]

DEFENDANT SERVICE SOLUTIONS GROUP LLC'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]

DECLARATION OF JUSTIN A. MORELLO IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]

in a sealed envelope, postage fully paid, addressed as follows:

Mary Elizabeth Bullock
3955 Faircross Place, #73
San Diego, CA 92115
619.677.4066 phone
619.727.4907 fax

Attorney for Plaintiff

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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 10, 2008, at San Diego, California.

KILSHA A. CASTRO